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Written statement* submitted by the Federal Union of European Nationalities, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The repatriation question of the Meskhetian Turks to their homeland in Georgia

FUEN is an umbrella organization of more than 90 minority associations from all over Europe including Georgia. The Meskhetian Turks living in Russia (International Society of the Meskhetian Turks "VATAN") and the Meskhetian Turks living in Azerbaijan (Association of Meskhetian Turks in Azerbaijan "VATAN") are also among our member organizations. Currently estimated at between 400-450,000 persons, the Meskhetian population are scattered across seven former Soviet republics and also live in substantial numbers in Turkey and the USA.

FUEN is closely monitoring the issue of the Meskhetian Turks' return to their motherland. With the support and active participation of FUEN, Georgia, in its application for membership of the Council of Europe, has undertaken an obligation to adopt in consultation with the Council of Europe, within two years after its accession, a legal framework permitting repatriation and integration, including the right to Georgian nationality, for the Meskhetian population deported by the Soviet regime and to begin the process of repatriation and integration within three years after its accession and complete the process of repatriation of the Meskhetian population within ten years after its accession.

FUEN carried out several fact-finding missions to Georgia where meetings were held with governmental authorities in 1998, 1999, 2000 and in 2005. In this framework, FUEN had the opportunity to meet the Former President of Georgia, Eduard Shevardnadze. FUEN visited the Parliamentary Assembly of the Council of Europe (PACE) in January 2014 to meet politicians and officials regarding the issue of Meskhetian Turks' return to Georgia.

FUEN expresses its strong disappointment on the subject of Georgia's implementation of its obligations undertaken upon the accession into the Council of Europe to repatriate the population forcibly deported by Stalin decree in 1944 from Akhaltsih region of Georgia. Georgia has been wary of welcoming the deported Meskhetian Turks, citing economic grievances and security concerns in the ethnically complex region of Samtskhe-Javakheti with its population of ethnic Armenians as well as communities of ethnic Georgians settled there after the deportation of the original population. The Meskhetian Turks have not yet been able to return to their country, Georgia. FUEN considers the adoption of the Law of Georgia "On Repatriation of Persons forcefully sent into exile from the Soviet Socialist Republic of Georgia by the Former USSR in the 40's of the 20th Century" in 2007 as not delivering its obligation due to the absence of any sign of the repatriation of the deported population. Our member organization, International Society of Meskhetian Turks VATAN expressed its huge disappointment and criticism on the grounds that the law did not provide a genuine procedure for persons with the status of repatriate on restoration of Georgian citizenship.

The law was strongly criticised for its restrictive provisions and for imposing excessively bureaucratic obstacles on those who wanted to return. The law does not include provisions on legal or civil obligations undertaken by the Georgian State. The adopted law does not provide a basis for resettlement, but only a general framework for adoption of the repatriate status with no definition of the status per se and the rights of the repatriates. Public officers are regarded as independent decision makers who use the authority to accept or not accept application forms, grant or not to grant the repatriate status. Even in case of a granted repatriate status, the latter can be annulled by using any pretext.

The discriminatory provisions regarding granting of Georgian citizenship, application time period for repatriation, language requirement in application and regional allocation of repatriate-applicants were highly criticized by the Meskhetian Turks and resulted in a very-limited number of applications for repatriation to Georgia. There is a requirement to use either Georgian or English in the application forms (instead of languages known by the Meskhetians such as Russian or Turkish), and a long list of notarised support documents were needed, including a document proving the fact that the applicant or his/her descendants had been deported. This latter requirement is seen by the Meskhetian Turks as an attempt by the Georgian lawmakers to impose artificial obstacles for repatriation as no such documentation had been issued when the Meskhetians were banished in 1944.

The Georgian authorities received 5,841 applications covering 9,350 individuals within the two-year application period (up until 1 January 2010). The difference in numbers is due to the inclusion of minors in many of the applications.

Thomas Hammarberg, in his capacity as EU Special Adviser on Constitutional and Legal Reform and Human Rights in Georgia, noted in his Assessments and recommendations, a report[1] addressed in September 2013 to EU High Representative and Vice-President Catherine Ashton and EU Commissioner for Enlargement and European Neighbourhood Policy Stefan Füle that 1,058 repatriation statuses and seven citizenships have been granted in Georgia by August 2013, and he underlined that in practice repatriates face administrative obstacles.

Another important issue is the Meskhetian Turks in Ukraine. An estimated 10-15,000 Meskhetian Turks currently live in Ukraine, mostly in the eastern and southern parts of the country, including the war affected Donetsk Oblast (about 2,000 persons according to the 2001 census) and in the Russia annexed Crimean peninsula (1,000). Other regions with significant Meskhetian populations include Kherson (3,800) and Mykolayiv (750). Georgia has declared its readiness to process applications of asylum seekers from Ukraine according to simplified procedures, but preferential treatment will not be given to asylum seekers with Georgian roots. The Meskhetian Turks in Ukraine have voiced frustration that Georgia has showed no sign of willingness to accept Meskhetians refugees on special terms.

The Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution on "The functioning of democratic institutions in Georgia" (2015/2014) based on the report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), by co-rapporteurs Michael Aastrup Jensen and Boriss Cilevičs. The Assembly noted that the repatriation programme of the deported Meskhetian population has mostly focused on providing a legal repatriate status to the eligible applicants and not on facilitating the actual repatriation itself. In addition, the Assembly takes note of the long delays in the granting of citizenship to those who have received repatriate status. The Assembly therefore reiterated the need for a comprehensive repatriation strategy.[2]

On May 2015 a motion for recommendation has been submitted with signatures of 35 parliamentarians. It is noted with concern in that motion that the implementation of this Georgia's commitment regarding the repatriation has been substantially delayed. Among 5.841 eligible applications concerning around 10,000 individuals, approximately 1,700 repatriate statuses and 412 conditional citizenships have been granted. Of those, only a few have actually been repatriated to date.[3]

The motion recommended that the Committee of Ministers keep the full restoration of the legitimate rights of the deported Meskhetian Turks among its priorities, closely monitor the ongoing repatriation process, ask the relevant bodies to present a report and provide all the necessary advice and assistance to the Georgian authorities in order to ensure, without further delay, the completion of the repatriation and integration of all deported Meskhetian Turks who wish to be repatriated, including access to citizenship.

It is crucial to define a common framework of the efforts of the parties involved and have a mutual understanding of the constructive solution of the problem. The Government of Georgia should prove that it has the political will and capability for persons deported from Georgia, and should provide an open-ended and simplified procedure for the return of the persons and their descendants to their homeland. We welcome that the "State Strategy of Georgia" was finally adopted by government decree in October 2014.

FUEN believes that the primary condition to the eventual solution of the repatriation issue lies in the adoption of a law prioritizing perpetuity of the right to restore a citizenship and a simplified procedure for obtaining citizenship, particularly designed for the deported peoples in 1944. The primary condition of a historical rehabilitation should lie in the absolute and fundamental right of all Georgian citizens deported in 1944 and their descendants, who have an appropriate evidence of territorial origin of the ancestors, to the simplified procedure of obtaining the Georgian citizenship with no time constraints attached.

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[1] http://eeas.europa.eu/delegations/georgia/press_corner/all_news/news/2013/human_rights_2013/human_rights_report_2013_en.htm

[2] http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21275&lang=en

[3] http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21750&lang=en